

## Chapter 3 Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. It helps planners to determine the necessary scope of environmental documentation, the level of analysis required, and identify potential impacts, mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including monthly Project Development Team (PDT) meetings, interagency coordination meetings, and consultation with interested parties. This chapter summarizes the results of the California Department of Transportation's (Department's) efforts to fully identify, address, and resolve project-related issues through early and continuing coordination (see Table 3-1).

**Table 3-1 Summary of Consultation and Coordination Activities**

| <b>Timing</b>    | <b>Activity</b>   |
|------------------|---|
| August 2009      | <b>United States Fish and Wildlife Service (USFWS) Consultation.</b> An LSA Associates, Inc. (LSA) biologist sent a request letter on behalf of the Department on August 31, 2009, to USFWS for the List of Proposed, Threatened, and Endangered Species and Critical Habitats that could be in the vicinity of the proposed project.   |
| September 2009   | <b>USFWS Consultation.</b> An LSA biologist received a response letter from the USFWS on September 28, 2009, with the List of Proposed, Threatened, and Endangered Species and Critical Habitats that occur in the vicinity of the proposed project.  |
| October 21, 2009 | <p><b>South Central Coastal Information Center (SCCIC) Records Search.</b> The records search was conducted by personnel of the California Historical Resources Information System (CHRIS), located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within a 0.25 mi radius of the APE as well as a review of known cultural resource survey and excavation reports. In addition, the following inventories were examined:</p> <ul style="list-style-type: none"> <li>• National Register of Historic Places</li> <li>• California Register of Historical Resources</li> <li>• California Historical Landmarks</li> <li>• California Points of Historical Interest</li> <li>• Caltrans Historic Highway Bridge Inventory</li> </ul>   |
| December 2009    | <p><b>Native American Consultation.</b> The following Native American tribes, groups, and individuals were contacted via a letter sent by certified mail on December 7, 2009:</p> <ul style="list-style-type: none"> <li>• Juaneño Band of Mission Indians, Acjachemen Nation, David Belardes, Chairperson; Joyce Perry responded for the group (see below).</li> <li>• Juaneño Band of Mission Indians, Anita Espinoza; Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries.</li> <li>• Juaneño Band of Mission Indians, Alfred Cruz; Mr. Cruz responded that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist and he can provide monitoring during construction of the project.</li> <li>• United Coalition to Protect Panhe (UCPP), Rebecca Robles; Ms. Robles requested that an email be sent and she would respond to that. An email was sent on January 21, 2010. No response has been received.</li> </ul> |

**Table 3-1 Summary of Consultation and Coordination Activities**

| Timing        | Activity   |
|---------------|--|
|               | <ul style="list-style-type: none"> <li>Juaneño Band of Mission Indians, Adolph "Bud" Sepulveda; No response received.</li> <li>Juaneño Band of Mission Indians, Acjachemen Nation, Joyce Perry; Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about.</li> <li>Juaneño Band of Mission Indians, Sonia Johnston; No response received.</li> </ul>   |
| December 2009 | <p><b>Native American Consultation.</b> The Native American Heritage Commission (NAHC) was contacted in November 19, 2009. In a letter dated December 1, 2009, Dave Singleton of the NAHC responded that the records search of the Sacred Lands File indicated the presence of Native American cultural resources in the project area. The NAHC recommended that seven individuals, all from the same tribe, that may have knowledge of cultural resources in the project area be contacted.</p>   |
| December 2009 | <p><b>Historical Resources Consultation.</b> The following repositories, sources, and persons were consulted in the process of preparing the Historical Resource Evaluation Report:</p> <ul style="list-style-type: none"> <li>City of San Clemente, Community Development Department, Building Division. Research conducted in November 2009.</li> <li>City of Dana Point. Building permit research conducted by Windy Robles, City Clerk Specialist, November 2009.</li> <li>City of Dana Point, Community Development Department, Planning Division. Email communication with Evan Langan, Associate Planner, on December 16, 2009.</li> <li>Orange County Archives. Accessed online in October and December 2009.</li> <li>Dana Point Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009.</li> <li>San Clemente Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009.</li> <li>Faith Lutheran Church. Email correspondence sent October 2, 2009. No response received.</li> <li>Armet Davis Newlove Architects. Email correspondence sent December 16, 2009. Email response received December 23, 2009.</li> <li>San Clemente High School. Telephone conversation with the school librarian in October 2009.</li> <li>Capistrano Unified School District. Telephone conversation with Carol Schwimmer, Staff Secretary, on December 17, 2009.</li> <li>Capistrano Unified School District. Voicemail message left for Cary Brockman, Planning Director, on December 17, 2009. No response received.</li> <li>Historical Los Angeles Times. Accessed through the Los Angeles Public Library online databases in October and December 2009.</li> <li>City of San Clemente Community Development Department, Jennifer Gates, Planning Division. Letter mailed December 2, 2009. No response received.</li> <li>City of San Juan Capistrano Community Development Department, Teri Delcamp, Historic Preservation Manager. Letter mailed December 2, 2009. Email correspondence conducted in January and February 2010.</li> <li>San Juan Capistrano Historical Society. Letter mailed December 2, 2009. No response received.</li> <li>San Clemente Historical Society, Raad Ghantous, Preservation Chair. Letter mailed December 2, 2009. No response received.</li> <li>Dana Point Historical Society, Carlos Olvera, President. Letter mailed December 2, 2009. No response received.</li> <li>Orange County Historical Society, Greg Rankin, President. Letter mailed December 2, 2009. No response received.</li> <li>Orange County Historical Commission, Griselda Castillo. Letter mailed December 2, 2009. No response received.</li> <li>Historical aerial photographs.</li> <li>Sanborn Fire Insurance maps.</li> </ul> |

**Table 3-1 Summary of Consultation and Coordination Activities**

| <b>Timing</b>  | <b>Activity</b>   |
|----------------|---|
|                | <ul style="list-style-type: none"> <li>• United States Geological Survey (USGS) topographic maps.</li> <li>• Caltrans Historic Highway Bridge Inventory.</li> </ul>   |
| January 2010   | <b>Native American Consultation.</b> Additional contact with each group/individual was attempted by telephone on January 21, 2010. Ms. Robles requested that an email with the project information be sent and she would respond to that. An email was sent on January 21, 2010, and no response has been received. Mr. Cruz responded on January 22, 2010, that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist, and he can provide monitoring during construction of the project.   |
| February 2010  | <b>Native American Consultation.</b> A second attempt to contact individuals not reached by the first call was made by telephone on February 12, 2010. Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries.  |
| February 2010  | <b>United States Army Corps of Engineers and California Department of Fish and Game Consultation.</b> The Natural Environment Study (NES) and Jurisdictional Delineation (JD) reports determined that there are drainage features within the Biological Study Area subject to the jurisdiction of the United States Army Corps of Engineers (ACOE) and the California Department of Fish and Game (CDFG). As a result, the proposed project is expected to require permits from regulatory agencies, including CDFG (pursuant to Section 1602 of the California Fish and Game Code), the ACOE (pursuant to Section 404 of the Clean Water Act [CWA]), and the Regional Water Quality Control Board (RWQCB) (pursuant to Section 401 of the CWA). The Department will continue consultation with the ACOE and CDFG. The final compensatory mitigation program is expected to adequately offset project-related jurisdictional impacts by providing "No Net Loss" of wetland and riparian habitats. Federal Section 7 consultation between the Department and the USFWS and Section 2080 authorization with CDFG are not currently expected to be necessary for the I-5 HOV Lane Extension Project. |
| May 2010       | At the request of Ms. Joyce Perry, the representative for the Juaneño Band of Mission Indians, Acjachemen Nation, a meeting was arranged to discuss sites which the tribe may know of. The requested meeting was held on May 18, 2010, with Mr. Belardes, Chairperson of the Acjachemen Nation. After viewing the project area of potential effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.   |
| September 2010 | Informal consultation with Sally Brown of USFWS – field meeting.  |

Sources: Archaeological Survey Report (May 2010); Historical Resources Evaluation Report (May 2010); Natural Environment Study (August 2010); Jurisdictional Delineation Report (August 2010).

### 3.1 Consultation and Coordination with Agencies

#### 3.1.1 Project Team Coordination

##### 3.1.1.1 Project Development Team (PDT) Meetings

A Project Development Team (PDT) was identified to ensure collaborative communication among the stakeholders, which includes representatives from OCTA, Caltrans, City of Dana Point, City of San Clemente, City of San Juan Capistrano, and the Transportation Corridor Agencies (TCA). PDT meetings have been scheduled on a monthly basis from inception of the PA/ED phase of the project in June 2009. The

purpose of these meetings is to discuss project-specific issues and work together to ensure that the proposed project meets the purpose and need and that these issues do not conflict with any plans, policies, or regulations.

### **3.1.1.2 Value Analysis Workshops**

A Value Analysis (VA) was conducted from September 21 through September 25, 2009, during the early stages of the Project Approval/Environmental Document (PA/ED) phase. The VA team included members from various Department functional units (including traffic, environmental, maintenance, hydraulics, design, construction, and structures construction) as well as the Cities of San Clemente, Dana Point, and San Juan Capistrano to review the recommendations that were developed.

After reviewing the alternatives, the following VA recommendations were discussed:

1. Reduce the width of the high-occupancy vehicle (HOV) buffer
2. Eliminate buffer separation between HOV lanes and mixed-flow lanes
3. Reduce inside shoulder width in select areas to preserve existing soundwalls
4. Reduce cross-sectional width of Interstate 5 (I-5) (HOV buffer and shoulder width) in lieu of replacing the Via California Structure
5. Retain existing structure at Avenida Pico and widen to the west only
6. Revise project limits to stop HOV extension prior to Avenida Pico interchange

The first recommendation was rejected. There would be no cost savings by providing a 1-foot (ft) buffer separation versus a no-buffer scenario (as proposed by the second recommendation).

The second recommendation was accepted. This recommendation proposed to allow continuous ingress and egress throughout the project limits pending the results from the California Department of Transportation (Department) District 12 final report on the demonstration project for continuous access HOV lanes on State Route 22 (SR-22) and State Route 55 (SR-55). This would help to minimize impacts due to the reduced mainline cross-section. This recommendation was incorporated into Alternative 4.

The third recommendation was accepted. A minor reduction in shoulder widths (approximately 2 ft) would be needed in order to preserve existing soundwalls between Pacific Coast Highway and Camino de Estrella. This recommendation was incorporated into Alternative 4.



# PUBLIC NOTICE



## Notice of Intent to Adopt a Mitigated Negative Declaration/Finding of No Significant Impact Study Results Available Announcement of Public Hearing

### I-5 High-Occupancy Vehicle (HOV) Lane Extension Project



|                              |   |
|------------------------------|---|
| <b>WHAT'S BEING PLANNED?</b> | <p>The California Department of Transportation (Caltrans) in cooperation with the Orange County Transportation Authority (OCTA), and the cities of San Clemente, Dana Point, and San Juan Capistrano, is proposing the addition of one carpool lane in each direction from Avenida Pico (PM 3.0) to San Juan Creek Road (PM 8.7). The addition of carpool lanes provides continuity to the I-5 carpool network. The additional lane is planned to be generally within the current freeway limits and is accomplished by limited widening and re-striping along the freeway. The project will minimize weaving where the current carpool lanes end and maintain travel speeds for carpool lane users. The project provides intermittent auxiliary lanes, where needed, to relieve congestion at diverge and merge locations; minimizes right-of-way acquisition; relieves congestion within interchange areas, on- and off-ramps, and at local intersections (including Avenida Pico); and reduces congestion on I-5 within the project limits.</p>  |
| <b>WHY THIS AD?</b>          | <p>The Department has studied the effects this project may have on the environment. Our studies show it will not significantly affect the quality of the environment. This notice is to tell you of the preparation of the proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment and of its availability for you to read.</p> <p>A public meeting will be held to give you an opportunity to talk about certain design features of the project with Department staff before the final design is selected. The tentative schedule for the purchase of land for right of way and construction will be discussed.</p>  |
| <b>WHAT'S AVAILABLE</b>      | <p>Maps for the proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment and other project information are available for review and copying (for a fee) at the Department District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612 on weekdays from 8:00 a.m. to 5:00 p.m. The proposed Mitigated Negative Declaration/Finding of No Significant Impact and Initial Study/Environmental Assessment is also available for review during regular business hours at:</p> <p>San Clemente Public Library, 242 Avenida del Mar, San Clemente, CA 92672 from Monday through Thursday, 10:00 a.m. to 9:00 p.m., Friday and Saturday, 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m.</p> <p>Dana Point Public Library, 33841 Niguel Road, Dana Point, CA, 92629 from Monday through Wednesday, 10:00 a.m. to 9:00 p.m., Thursday, 10:00 a.m. to 6:00 p.m., Friday and Saturday 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m.</p> <p>San Juan Capistrano Public Library, 31495 El Camino Real, San Juan Capistrano, CA, 92675 from Monday through Wednesday 10:00 a.m. to 8:00 p.m., Thursday 10:00 a.m. to 6:00 p.m., Saturday 10:00 a.m. to 5:00 p.m., and Sunday 12:00 p.m. to 5:00 p.m.</p> <p>And online at: <a href="http://www.dot.ca.gov/dist12/files/I5HOV/I-5_HOV.htm">http://www.dot.ca.gov/dist12/files/I5HOV/I-5_HOV.htm</a></p> |

|                          |  |
|--------------------------|--|
| <b>WHERE YOU COME IN</b> | Do you have any comments about processing the project with a Mitigated Negative Declaration/Finding of No Significant Impact and the Initial Study/Environmental Assessment? Do you disagree with the findings of our study as set forth in the proposed Mitigated Negative Declaration/Finding of No Significant Impact? Would you care to make any other comments on the project? Please submit your comments in writing no later than February 12, 2011 to Caltrans District 12 Office, 3347 Michelson Dr., Suite 100, Irvine, CA 92612-8894 (Attn: Scott Shelley) or e-mail to: <b>I5HOV_Pico2PCH@dot.ca.gov</b> . The date we will begin accepting comments is January 14, 2011. If there are no major comments, Caltrans will proceed with the project's design. |
| <b>WHEN &amp; WHERE?</b> | <b>Date: Monday, January 31, 2011</b><br><b>Time: 6:00 pm to 8:00 pm</b><br><b>Place: City of San Clemente Offices</b><br><b>910 Calle Negocio, 2nd Floor, San Clemente, CA 92673</b>  |
| <b>CONTACT</b>           | <p>Individuals who require special accommodation (American Sign Language interpreter, accessible seating, documentation in alternate formats, etc.) are requested to contact Caltrans District 12, Attn: Scott Shelley at (949) 724-2705 at least 21 days prior to the scheduled hearing date. TDD users may contact the California Relay Service TTY line at 1-800-735-2929 or Voice Line at 1-800-735-2922</p> <p>For more information about this study or any transportation matter, call Caltrans, Attn: Scott Shelley (949) 724-2705.</p>   |

The fourth recommendation was accepted. The cross-section of northbound (NB) I-5 would need to be reduced to fit within the existing 80 ft between Bent 3 and 4 of the structure. In order to do this, the inside shoulder and HOV buffer would have to be eliminated for a short distance. This recommendation has been incorporated into Alternatives 2 and 4.

The fifth recommendation was rejected. This recommendation would not be able to accommodate the necessary improvements to Avenida Pico and would not be compatible with future improvements planned for the interchange.

The sixth recommendation was rejected. This recommendation would not be able to accommodate the necessary improvements to Avenida Pico and would not be compatible with future improvements planned for the interchange.

### **3.1.1.3 Native American Consultation**

In November 2009, LSA staff consulted with the Native American Heritage Commission (NAHC) and requested a search of the sacred lands file and a list of individuals/organizations that may have knowledge of cultural resources in the area. In its December 1, 2009, correspondence, the NAHC responded that there were Native American cultural resources or sacred sites within the project area. The NAHC identified the following individuals and tribal associations:

- Juaneño Band of Mission Indians, Acjachemen Nation: David Belardes, Chairperson
- Juaneño Band of Mission Indians: Anita Espinoza
- Juaneño Band of Mission Indians: Alfred Cruz, Cultural Resources Coordinator
- United Coalition to Protect Panhe (UCPP): Rebecca Robles
- Juaneño Band of Mission Indians: Adolph 'Bud' Sepulveda
- Juaneño Band of Mission Indians, Acjachemen Nation: Joyce Perry
- Juaneño Band of Mission Indians: Sonia Johnston, Chairperson.

Ms. Perry responded for the Acjachemen Nation on January 5, 2010. Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbance. She also requested that a meeting be arranged early in the year to discuss sites they may know about. The requested meeting was held on May 18, 2010, with Mr. Belardes, Chairperson of the Acjachemen Nation. After viewing the project area of potential effects (APE) maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed and any

archaeological site remnants would likely be in a redeposited context. He retracted the monitoring recommendation but requested that the Tribe be notified immediately of any discoveries.

No responses were received from the other Native Americans contacted. Contact with each group/individual was attempted by telephone on January 21, 2010. Ms. Robles requested that an email with the project information be sent and she would respond to that. An email was sent on January 21, 2010, and no response has been received. Mr. Cruz responded on January 22, 2010, that he knows of a lot of sites in that area, and it is very sensitive. He recommends monitoring by a Native American and an archaeologist, and he can provide monitoring during construction of the project.

A second attempt to contact individuals not reached by the first call was made by telephone on February 12, 2010. Ms. Espinoza responded that the area is very sensitive and recommends monitoring by an archaeologist. She requests that she be notified of any discoveries. Additional details of the Native American consultation, including letters sent and received as part of the consultation process, can be found in the *Historical Property Survey Report* (HPSR) Attachment E.

### **3.1.2 Historical Resources Consultation**

In December 2009, LSA staff sent letters to the San Juan Capistrano Historical Society, the San Clemente Historical Society, the Dana Point Historical Society, the Orange County Historical Society, and the Orange County Historical Commission. No responses were received.

### **3.1.3 Public Participation**

#### **3.1.3.1 Public Information Meeting**

OCTA hosted an informal public information open house on March 29, 2010, from 6:00 p.m. to 8:00 p.m., at the San Clemente Community Center (Ole Hanson Room) at 100 N. Calle Seville in the City of San Clemente. The public was informed about the meeting through newspaper advertisements (please see public notice on the following page), resident mailing and the OCTA, Caltrans, City of San Clemente, City of Dana Point, and City of San Juan Capistrano websites. A total of 36 people (not including staff) attended this meeting. The purpose of the open house was to discuss the need, type, and scopes of studies planned for the proposed project and to hear the public's concerns. Because this was an informal meeting, comment cards were not provided; any attendees wanting more information or having more questions were advised to contact OCTA. The primary concern identified at the open house was



related to traffic congestion and traffic noise. The overall public response to the project was positive, and most attendees were supportive of the alternatives presented. There were several questions about soundwalls, and most residents in attendance wanted to know if they would be getting a new wall or if existing walls would be removed as part of the project. Several of the residents in attendance were interested in knowing if the project would require any right-of-way acquisition on their property.

Attendees were advised to attend the public hearing when the Draft Environmental Document is circulated in early 2011. Meeting attendees were also advised to review and comment on the Draft Environmental Document when it is circulated. Consideration of both Title VI of the Civil Rights Act and the Department's policy on Environmental Justice was made during preparation of this public meeting.

#### **3.1.4 Consultation with Resource Agencies**

The Department notified the United States Fish and Wildlife Service (USFWS) of the proposed project in August 2009. A list of proposed, threatened, and endangered species potentially occurring in the vicinity of the I-5 HOV Lane Extension Project was received from the USFWS on September 28, 2009. In addition, the California Department of Fish and Game (CDFG) Natural Diversity Database was referenced for the *Dana Point*, *San Clemente*, *San Onofre Bluff*, *Margarita Peak*, *Las Pulgas Canyon*, *San Juan Capistrano*, *Canada Gobernadora*, and *Oceanside, California* United States Geological Survey (USGS) 7.5-minute quadrangles.

Federal Section 7 consultation between the Department and the USFWS and Section 2080 authorization with CDFG are not currently expected to be necessary for the I-5 HOV Lane Extension Project. However, informal consultation with the USFWS occurred on September 16, 2010, in the form of a field visit.

Additionally, concurrence with the Jurisdictional Delineation is expected to be obtained prior to the final environmental document.

The following permits, reviews, and approvals will be required prior to the construction of the proposed project:

| Agency                                  | Permit/Approval  | Status  |
|---|--|---|
| United States Army Corps of Engineers   | Section 404 Permit for filling/dredging waters of the United States (Nationwide Permit 14)   | The Department is to obtain letter or permit after certification of environmental document.   |
| United States Fish and Wildlife Service | Section 7 consultation for CAGN. Formal Section 7 Consultation is not expected at this time, but informal consultation is mandatory due to the temporary impact to CAGN. | The Department is to conduct consultation before certification of environmental document.   |
| California Department of Fish and Game  | 1602 Lake or Streambed Alteration Agreement  | The Department is to obtain permit after certification of environmental document.   |
| Regional Water Quality Control Board    | Section 401 Water Quality Certification  | The Department is to obtain certification after certification of environmental document.  |
| State Water Resources Control Board     | Section 402 NPDES (Construction Activity)/ Caltrans NPDES Permit CAS000003 and CAS000002 (General Permit)  | The Construction General Permit has been adopted and was effective as of July 1, 2010. The Caltrans NPDES Permit was effective as of July 15, 1999. |
| Orange County Flood Control District    | Encroachment Permit  | The Department is to obtain letter or permit.   |
| Orange County Health Care Agency        | Well permit for wells and test borings   | The Department is to obtain letter or permit.   |
| FHWA                                    | MAR  | The Department is to obtain FHWA approval of the MAR.   |

CAGN = coastal California gnatcatcher  
 Caltrans/Department = California Department of Transportation  
 FHWA = Federal Highway Administration  
 MAR = Modified Access Report  
 NPDES = National Pollutant Discharge Elimination System